

benefits, on the other hand, would be negligible. In most instances, hearing impaired individuals have access to the pertinent information about the program being promoted, even though the information is provided through graphics rather than through closed captioning.

Additionally, interstitials are, by and large, secondary sources of information about upcoming program events. Television listings and promotional materials are readily available in the newspapers, or through program guides, and constitute the primary sources of the information contained in the interstitials. Requiring captioning of interstitials, therefore, will not make accessible to the hearing impaired information that is otherwise inaccessible.

Under the criteria established by Congress, therefore, interstitials should be generally exempt from the captioning requirements adopted by the Commission.

**VI. THE COMMISSION SHOULD REFRAIN FROM IMPOSING
ADDITIONAL TECHNICAL OR NON-TECHNICAL
REQUIREMENTS FOR QUALITY AND ACCURACY**

Certain commenters in this proceeding have suggested that the Commission remedy what they perceive to be defects in the quality of closed captioning, including transmission problems resulting in missing or incomplete captions, through the imposition of additional technical rules on the provision of closed captioning. HBO submits, however, that the Commission's proposal to extend the provisions of Section 76.606 of its rules, 47 C.F.R. § 76.606, which requires cable operators

to deliver existing captions intact, to all video program providers, will be sufficient to ensure that captioning is included with the video programming that reaches consumers.

The Electronics Industry Association has already delineated the standards according to which closed captioning is provided using line 21 of the vertical blanking interval. Section 15.119 of the Commission's rules, 47 C.F.R. § 15.119, ensures basic technical compatibility among captioning services and sets forth technical requirements for transmission and display of closed captioning, consistent with the standards established by the industry. Traditionally, once an industry has reached consensus regarding technical standards, the Commission has refrained from further micromanagement. That policy has served the Commission well, and it should be followed here.

Further, HBO reiterates its view that the Commission should not impose non-technical standards for quality and accuracy. Regulation of "quality" could create a morass of problems, including difficulties in administrative oversight, unnecessary stifling of the development and expansion of closed captioning, and the limitation of the number and type of programs that will be captioned. HBO believes that marketplace forces will be sufficient incentive for program providers and producers to distribute the best quality captioning possible.

VII. CONCLUSION

For the foregoing reasons, HBO urges the Commission to craft rules governing closed captioning consistent with the considerable guidance offered by Congress, and to adopt reasonable timetables and appropriate exemptions that will preserve the quality and diversity of video programming available to all Americans.

Respectfully submitted,

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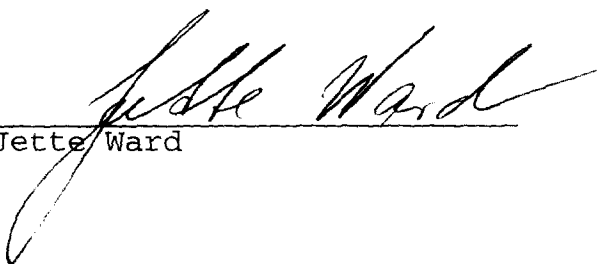
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